IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26956 of 2005

Between:

Kodati Varalakshmi

..... PETITIONER

AND

The Superintendent of Police,

East Godvari, at Kakinada and 2 others

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in interfering with the civil disputes, as illegal and arbitrary, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Home.

The petitioner submits that she has taken loans from certain persons viz. Ch.Venkatarao, N.Venkatalal Latha Devi, Ruth Lilly, Usha, Shobha Rani and Canble Ramana for the purpose of carrying on business and sustained heavy loss in her business. It is stated that the said loans were discharged about 50%, but still there are certain amounts due and payable to the creditors. It is further stated that the creditors are making use of their influence with the police and the police are illegally interfering with the civil disputes of the petitioner.

Admittedly, the petitioner has not filed any report/complaint either before the respondents or before their higher officials about the alleged illegal action of the respondents 2 and 3 in interfering with her civil rights and disputes. In the absence of any representation, I am of the opinion that the petitioner is not entitled for any relief to issue a Writ of Mandamus.

However, unless any report/complaint is filed against the petitioner, the police cannot interfere with the civil rights and disputes of the petitioner.

Having regard to the facts and circumstances of the case, the respondents are directed not to interfere with the civil rights and disputes of the petitioner, without there being any report/complaint by any of the creditors or other persons, alleging that the petitioner has committed a cognizable offence. If any such report/complaint is received and pending, it is always open for the respondents to register a case and investigate into, in accordance with law, if the allegations of the report/complaint made out a prima facie cognizable offence against the petitioner.

With the above observations, the Writ Petition is disposed of. No order as to costs.

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V.ESWARAIAH,J

Dated: 19.12.2005

Dsr

Note:

Issue CC in three days

B/o

Dsr